

1 JAMIE LYNN GALLIAN  
16222 MONTEREY LANE UNIT 376  
2 HUNTINGTON BEACH, CA 92649  
(714)321-3449

3 JAMIEGALLIAN@GMAIL.COM

4 DEBTOR IN PRO PER

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7 **UNITED STATES BANKRUPTCY COURT CENTRAL**  
8 **DISTRICT OF CALIFORNIA-SANTA ANA DIVISION**

9 In re

10 Case No. 8:21-bk-11710-ES

11 JAMIE LYNN GALLIAN,

Chapter 7

12 Debtor.

13 **DEBTOR'S NOTICE OF HEARING AND**  
14 **MOTION REQUESTING THE TRUSTEE**  
15 **ABANDON ESTATE'S INTEREST IN**  
16 **DEBTOR'S PRIMARY RESIDENCE,**  
17 **SPACE 376 2014 SKYLINE**  
18 **MANUFACTURED HOME LBM1981;**  
19 **COURT GRANTED DEBTORS**  
20 **HOMESTEAD EXEMPTION DKT. 274.**

21 Hearing February 8, 2023

22 Time: 11:00 a.m. Via Zoom

23 Location: 411 W. Fourth Street  
Santa Ana, CA 92701

24 **TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY JUDGE,**  
25 **TRUSTEE JEFFREY GOLDEN, HIS COUNSEL AND INTERESTED PARTIES:**

26 **PLEASE TAKE NOTICE THAT** on February 8, 2023 at 11:00a.m. Jamie Lynn Gallian,  
27 Debtor hereby makes request for Order, Jeffrey I. Golden, as the Chapter 7 trustee  
(the "Trustee") for the bankruptcy estate of Jamie Lynn Gallian (the "Debtor"), filed July 9, 2021,  
abandon estates interest in Debtor's primary residency, space 376 2014 Skyline Manufactured home  
LBM1081 located at 16222 Monterey Ln. Unit 376 Huntington Beach, CA 92649. A true and  
correct copy of the Court's Order Dkt 274, granting Debtor's Homestead Exemption is attached as  
Exhibit "1" hereto. Trustee told debtor if and when Hon. Erithe Smith ruled on Debtor's Motion For  
Reconsideration and GRANTED Debtor's homestead exemption, Trustee Golden would abandon  
debtor's primary residence at 16222 Monterey Ln. Unit 376 Huntington Beach, CA. 92649

1 Debtor requests Trustee review the Court's Order Dkt. 274, granting debtor's Homestead  
2 Exemption in the amount of \$600,000.00, Accordingly, the Debtor believes that the property is  
3 burdensome to the estate and of inconsequential value or benefit to the estate. Therefore, the  
4 Debtor requests Trustee abandon the property as promised.

5 **NOTICE IS ALSO GIVEN** that, pursuant to Local Bankruptcy Rule 6007-1 and  
6 9013-1(o)(3), any objection and request for a hearing must, not later than fourteen days from the  
7 date of service of this notice, plus an additional three days if served by mail or pursuant to  
8 Fed. R. Civ. P. 5(b)(2)(D) or (F), be filed with the Clerk of the Bankruptcy Court and served on:  
9 (1) Jeffrey I. Golden, Trustee, 650 Town Center Drive, Suite 600, Costa Mesa, CA 92626; (2)  
10 Office of the United States Trustee at 411 West Fourth Street, Suite 7160, Santa Ana, CA 92701;  
11 and (3) Debtor whose email address for service is listed on the top left hand corner of this notice.

12 Pursuant to Local Bankruptcy Rule 6007-1(d), if no timely objection and request for a  
13 hearing are filed and served, Debtor will proceed with the noticed hearing and request the  
14 Trustee take the intended action by order of the Court. Any objections not timely filed and  
properly served will be deemed waived.

15 Pursuant to Local Bankruptcy Rule 6007-1(d)(2), the Debtor requests the Trustee lodge a  
16 proposed order confirming the Trustee's abandonment of the property of debtor  
17 primary residence located at 16222 Monterey Lane Unit 376 Huntington Beach, CA 92649,  
18 after the hearing if required to do so.

19 DATED: January 24, 2023

Respectfully submitted,

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22 JAMIE LYNN GALLIAN, Debtor  
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## EXHIBIT 1

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2 FILED & ENTERED  
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DEC 19 2022

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY mccall DEPUTY CLERK

7  
8 UNITED STATES BANKRUPTCY COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 SANTA ANA DIVISION

11 In re

12 JAMIE LYNN GALLIAN,

13 Debtor.

Chapter 7

14 Case No. 8:21-bk-11710-SC

15 ORDER GRANTING DEBTOR'S MOTION  
16 FOR RECONSIDERATION OF THE  
17 COURT'S AUGUST 5, 2022 ORDER  
18 SUSTAINING OBJECTION TO  
19 DEBTOR'S HOMESTEAD EXEMPTION

Date: September 22, 2022  
Time: 10:00 a.m.  
Place: Courtroom 5A – via zoom

20 On July 26, 2022, Jamie Lynn Gallian ("Debtor") filed "Debtors [sic] Notice of and  
21 Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co. DBA Rancho  
22 Del Rey Mobile Home Estates [sic] Objection to Debtor's Claimed Homestead Exemption  
23 and Joinder Parties Huntington Beach Gables HOA; Janine Jasso" [dkt # 157] (the  
24 "Motion"). Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates ("Houser Bros")  
25 filed a "Response to Debtor's Notice of and Motion for Reconsideration of 7.21.22 Order  
26 Sustaining Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estate's [sic] Objection  
27 to Debtor's Claimed Homestead Exemption" [dkt # 170] (the "Response") on August 4,  
28

1 2022. Jeffrey Golden, the Chapter 7 Trustee (“Trustee”), filed “Trustee’s Joinder in  
2 Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estates’ Response to Debtor’s  
3 Notice of and Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co.  
4 DBA Rancho Del Rey Mobile Home Estate’s [sic] Objection to Debtor’s Claimed  
5 Homestead Objection” [dkt 171] (the “Trustee’s Joinder”) on August 4, 2022. Also on  
6 August 4, 2022, the Huntington Beach Gables Homeowners Association (the “HOA”) filed  
7 “The Huntington Beach Gables Homeowners Association’s Joinder to Houser Bros. Co.  
8 dba Rancho Del Rey Mobile Home Estates’ Response to Debtor’s Motion for  
9 Reconsideration” [dkt #173] (the “HOA Joinder”). Debtor filed a “Reply to Houser Bros Co  
10 DBA Rancho Del Rey MobileHome [sic] Estates [sic] Opposition to Debtors [sic] Motion  
11 for Consideration [sic] of 7/21/22 Order Sustaining Houser Bros Co DBA Rancho Del Rey  
12 Mobilehome [sic] Estates [sic] Objection to Debtor’s Claimed Homestead Exemption” [dkt  
13 #185] (the “Reply”). The Motion initially came on for hearing before the Honorable Erithe  
14 A. Smith, United States Bankruptcy Judge, on August 18, 2022 at 10:30 a.m. The hearing  
15 was subsequently continued to September 22, 2022 for further oral argument.  
16 Appearances were made as noted on the Court’s record. After the hearing, the matter  
17 was taken under advisement.<sup>1</sup>

18 For the reasons set forth in the Memorandum of Decision Regarding Debtor’s  
19 Motion for Reconsideration of the Court’s August 5, 2022 Order Sustaining the Objection  
20 to Debtor’s Homestead Exemption entered on December 19, 2022 [Dkt. 273], it is hereby  
21 ordered that:

22 \_\_\_\_\_  
23 <sup>1</sup> This case was transferred to the Honorable Scott Clarkson on September 1, 2022 due to the retirement of  
24 the undersigned, Judge Erithe Smith on October 29, 2022. However, as Judge Smith issued the underlying  
25 order sustaining Trustee’s objection to Debtor’s homestead exemption, presided over the hearing on  
26 Debtor’s instant motion for reconsideration, and continues to serve as a recalled bankruptcy judge, she has  
27 authority and jurisdiction to rule on the motion for reconsideration.

- 1       1. The Motion is granted under FRCP 59(e) on the basis of manifest  
2 error of law and under FRCP 60(b)(6);  
3       2. The Court's Homestead Order entered on August 5, 2022 [Dkt. 177] is  
4 vacated and, as such, Houser Bros' Homestead Motion is deemed denied; and  
5       3. Debtor is entitled to a homestead exemption in the amount of  
6 \$600,000 pursuant to Cal. Civ. Proc. Code. §§ 704.720(a) and 704.730(a).

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Date: December 19, 2022

  
Erithe A. Smith  
Erithe Smith  
United States Bankruptcy Judge

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 5801 SKYLAB ROAD HUNTINGTON BEACH, CA 92649

A true and correct copy of the foregoing document entitled (*specify*): DEBTOR'S NOTICE OF HEARING AND MOTION REQUESTING TRUSTEE ABANDON ESTATE'S INTEREST IN DEBTOR'S PRIMARY RESIDENCE SPACE 376 MANUFACTURED HOME LBM 1081; COURT GRANTED DEBTORS HOMESTEAD EXEMPTION DKT. 274. will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On January 24, 2023 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:** On \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by causing to be placed a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 1/24/23, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Janine Jasso Email j9\_jasso@yahoo.com

Michael Poole Email mpoole@cahowlaw.com

Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 24, 2023

Date

Robert McLelland

Printed Name

*Robert McLelland*

Signature